

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:)	In Proceedings
)	Under Chapter 13
SHAWNA RENEE KINDRED,)	
)	BK 17-31827
Debtor.)	

MOTION TO REOPEN CASE

COMES NOW Robert T. Bruegge, Chapter 7 Trustee in the above-referenced cause, and for his Motion to Reopen Case states as follows:

1. That on December 4, 2017, the Debtor filed for relief under Chapter 7 of the Bankruptcy Code.
2. That Robert T. Bruegge was the Chapter 7 Trustee appointed in this case.
3. That on February 15, 2018, the Chapter 7 Trustee filed his Report of No Distribution.
4. That on March 1, 2018, the Court dismissed the bankruptcy case for the Debtor's failure to Pay Filing Fee.
5. That on March 8, 2018, the Court entered an Order Granting Motion to Reinstate Case was entered.
6. That on March 27, 2018, the Court entered the Order to Close Case Without Discharge for the Debtor's failure to file the Financial Management Court Certificate..
7. That on March 27, 2018, the Debtor filed a Motion to Waive Filing Fee to Reopen Course, which was scheduled for hearing on April 10, 2018.
8. That on April 10, 2018, the Debtor made statements in Court at the time of the hearing on her Motion to Waive Filing Fee to Reopen Course regarding a tax refund of approximately Eight Thousand Dollars (\$8,000.00).

9. That on April 11, 2018, the Trustee sent a letter to the Debtor requesting she provide the Trustee with a copy of her 2017 federal and Illinois tax returns by April 18, 2018 as there may be a portion of her refund that belongs to the bankruptcy estate based on her testimony in Court on April 10, 2018.

10. That on April 19, 2018, the Trustee sent a letter to the Debtor requesting she provide the Trustee with a copy of her 2017 federal and Illinois tax returns by April 26, 2018 as there may be a portion of her refund that belongs to the bankruptcy estate based on her testimony in Court on April 10, 2018.

11. That, to date, the Debtor has neither responded to the Trustee's April 11, 2018 or April 19, 2018 letters nor has she provided the Trustee with a copy of her 2017 federal or Illinois tax returns or any refund that may be due to the bankruptcy estate.

12. That 2017 federal and Illinois tax refunds are an undisclosed and unscheduled asset, which existed at the time of the bankruptcy filing.

13. That 11 U.S.C. § 350(b) provides that "[a] case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for such other cause."

14. That the 2017 tax refunds constitute an asset to be administered for the benefit of the bankruptcy estate.

15. That the discovery of the 2017 tax refunds constitute "cause" for the case to be reopened.

16. That Federal Rule of Bankruptcy Procedure 5010 provides in relevant part that "[i]n a chapter 7 ... case a trustee shall not be appointed by the United States trustee unless the

court determines that a trustee is necessary to protect the interests of creditors and the debtor or to insure efficient administration of the case.”

17. That the appointment of a trustee is necessary to insure the efficient administration of the case through the prosecution and distribution of any proceeds that may arise from the product liability cause of action.

18. That Robert T. Bruegge requests the instant bankruptcy case be reopened for the sole purpose of allowing for the recovery of estate assets and distribution of those assets and a Trustee be appointed by the United States Trustee so that the Trustee may recover and distribute the 2017 tax refunds.

19. That Robert T. Bruegge requests any fee associated with the reopening of the bankruptcy case be waived until such time that assets are recovered and available for distribution.

WHEREFORE, Chapter 7 Trustee Robert T. Bruegge respectfully requests the Court grant the instant Motion, reopen the bankruptcy case for the sole purpose of allowing the recovery of estate assets and distribution of those assets with any filing fee to be paid by the Trustee upon the collection of any funds, enter an Order finding that the appointment of a Trustee is necessary for the efficient administration of the bankruptcy case, and for such other relief as the Court may deem just and proper.

ROBERT T. BRUEGGE, TRUSTEE

By: /s/ Robert T. Bruegge
Robert T. Bruegge, Trustee
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Edwardsville, IL 62025
(618) 301-4878
(888) 519-6101 fax
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**NOTICE OF ELECTRONIC FILING AND
CERTIFICATE OF SERVICE BY MAIL**

STATE OF ILLINOIS)		BK	17-31827
)	SS		
CITY OF EDWARDSVILLE)		Chapter 7	

Krista Doiron, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age, and resides in St. Clair County, Illinois.

On May 17, 2018, Deponent electronically filed with the Clerk of the U.S. Bankruptcy Court the **Motion to Reopen Case**.

The Deponent served electronically the **Motion to Reopen Case** to the following parties:

U.S. Trustee

and served by mail to the following parties:

Shawna Renee Kindred
1521 Lebanon Ave
Belleville IL 62221

by depositing a true copy of same, enclosed in a postage paid properly addressed wrapper, in a Edwardsville City Branch, official depository under the exclusive care and custody of the United States Postal Service, within the State of Illinois.

By: /s/ Krista Doiron